

**CHARTER COMMISSION
COMMITTEE ON SUBMISSION AND INFORMATION
CITY AND COUNTY OF HONOLULU**

**WEDNESDAY, NOVEMBER 29, 2006
CITY COUNCIL COMMITTEE ROOM
SECOND FLOOR, HONOLULU HALE
4:00 P.M.**

MINUTES

Committee Members Present:

Jan Sullivan
Donn Takaki
Amy Hirano
Jim Myers
Jeff Mikulina (Late 4:03p.m.)

Committee Members Absent

Darolyn Lendio – Excused
E. Gordon Grau - Excused

Others Present:

Chuck Narikiyo, Executive Administrator, Charter Commission
Diane Kawauchi, Deputy Corporation Counsel, Department of the Corporation Counsel
Lori Sunakoda, Deputy Corporation Counsel, Department of the Corporation Counsel
Dawn Spurlin, Deputy Corporation Counsel, Department of the Corporation Counsel
Loretta Ho, Secretary, Charter Commission
Nicole Love, Researcher, Charter Commission

1. Call to Order

Committee Chair Jan Sullivan called the meeting to order at 4:00 p.m. on November 29, 2006. Chair Sullivan explained the purpose of the meeting and went over housekeeping rules and stated that testimony will be limited to three minutes and must be related to the agenda.

2. For Approval – Minutes from August 25, 2006

ACTION: Commissioner Myers moved to approve the minutes of August 25, 2006. Commissioner Hirano seconded that motion. There was no public testimony. No discussion followed.

All Committee members present voted in favor of the approval of the minutes of August 25, 2006, and the minutes were approved.

3. Final Report – Draft for discussion and action:

Executive Administrator Narikiyo stated staff generated a Draft Final Report that was circulated to the Committee members earlier, referenced in the agenda and put on the website the day the agenda was filed. They started the draft by referencing reports from past commissions and made changes and tried to include material in addition to things that were included in the past that they felt would be helpful for future reference purposes. He went over the draft final report and summarized the 18-page document. He also summarized the 70-page Appendix, which included various reference materials of this Commission's work which they felt might be useful to give guidance for the next Charter Commission.

Executive Administrator Narikiyo noted procedurally because this Committee on Submission and Information is supposed to prepare a draft, they need to approve a draft for presentation at the full Commission meeting which is scheduled for December 18, 2006 for final approval. He stated by that meeting all necessary items that are pending will be completed.

Chair Sullivan asked Executive Administrator Narikiyo to summarize in the Draft Final Report the section titled, "Issues for Future Consideration." Executive Administrator Narikiyo stated this section acknowledges the Commission is generally pleased with how everything turned out and the overall process. He commented in order to provide guidance for future efforts including future Charter Commissions they wanted to highlight some issues. He went on to say the first subsection was titled, "For City Council" because in off-years charter amendments can be proposed via resolution by the Council and other ways, and pointed out in the draft the Commission received numerous ideas and included a list of proposals including those that were on the ballot but not accepted that may be possible proposals to consider in the future. Executive Administrator Narikiyo stated they noted that an issue that came up repeatedly during the public education process was the difference in how blanks and over votes are counted for Charter Amendments versus State Constitution Amendments. He commented they have a paragraph suggesting that maybe one proposed change to be considered somehow mirroring the two or somehow bringing them into conformance. He went on to say they have received technical non-substantive proposals that for space and time purposes were not included on the ballot but may want to be considered in the future.

Executive Administrator Narikiyo stated they have a section for the "Next Charter Commission" and commented there are many approaches that can be taken. He went on to say he thinks the charter revision section of the charter makes reference to doing the process like the last commissions have done it, which is revise in part. But there's also reference to a procedure whereby Charter Commission does a whole redraft of the Charter; if they do decide to go that way they are recommending they may want to hire a consultant or some expert to help them with that, especially if the Commission is as it is now comprised of volunteers who have many other obligations. He stated they also noted some procedural issues such as using Robert's Rules and the Commission's Rules.

Chair Sullivan asked for public testimony.

The following individuals testified:

1. Thomas Yamabe, Members of the Kamilonui Farmers Co-Op

Mr. Yamabe stated he read the voluminous draft final report and commented he happens to be in agreement with all the decisions. He commented he appreciates the Commissioners for contributing their time, and we need people like the Commissioners hopefully so that they can have better communities to live in. He went on to thank the Commissioners for providing him with the information where he can examine any possible changes to the charter and also would like to reciprocate by providing the Commission with information from their agricultural industry on what they are planning to do and what their objectives are. Commissioner Takaki thanked Mr. Yamabe for participating throughout the process.

Chair Sullivan asked for a motion to approve the draft final report to open discussion.

Deputy Corporation Counsel Dawn Spurlin commented on the Draft Final Report Page 2 under "Executive Summary" the last paragraph she suggested it should say, "The Commission's final report" or "The Commission also included". She commented she didn't understand the statement.

Deputy Corporation Counsel Diane Kawauchi also had suggestions for that same page. She stated in the third paragraph, fourth sentence where it says, "the Commission selected twelve questions for placement on the ballot"; she thought it might be helpful for the report to elaborate on that to indicate that there were 18 proposals presented in 12 questions. Further down on that page when they identify Charter Question 12 that they include in parentheses that it includes 7 proposals.

Chair Sullivan asked on the prior comment if Deputy Corporation Counsel Dawn Spurlin had a suggestion on what they are proposing to help to clarify? Deputy Corporation Counsel Spurlin responded in depends on what is the intent of the statement, it could say "The final report included a number of issues" or the alternative would be "The Commission also included a number of issues".

Executive Administrator Narikiyo clarified with Deputy Corporation Counsel Kawauchi that her statement earlier also applies for the combination of two proposals for Charter Question 10? Deputy Corporation Counsel Kawauchi responded yes.

Chair Sullivan asked for a motion.

ACTION:

First Motion: Commissioner Mikulina moved to accept the Charter Commission's final report as drafted with the two changes suggested by Corporation Counsel. Commissioner Takaki seconded that motion. Discussion followed.

Commissioner Takaki commented he thinks it's a good idea to recommend to City Council to look at mirroring the State's constitutional amendment requirement and also looking at the issues that were not passed on the ballot. He stated for the next Charter Commission he thought they were also going to say three other things. First, several times testifiers before them brought up that they should clean up the current Charter because there are so many things in there that don't belong in the Charter, so he would like to have some kind of recommendation for them to look at removing things from the charter that don't belong. Secondly, looking at the two biggest budget areas, media and salaries were the two biggest

areas of their budget. He asked if they should make a comment on that in their final recommendation or an affirmation stating they found their media budget and staffing of three to be adequate for the future Charter Commissions to take into consideration and felt maybe they should comment on that in the final report. Executive Administrator Narikiyo asked Commissioner Takaki to look at page 4 on the Draft Final Report and see if that covers what he is requesting. Commissioner Takaki said yes it covers it, and requested consideration of removing sections of the City Charter that are not deemed appropriate. Executive Administrator Narikiyo responded they could reference that in the previous paragraph before the bullet points on Page 16 of the Draft Final Report. Commissioner Takaki commented he would prefer bullet points so it stands out. Chair Sullivan clarified Commissioner Takaki's suggestion that, in that paragraph regarding the next Charter Commission, they would pull out that sentence and make some bullet points, because there is discussion in the paragraph about comprehensive revision, consideration of addition or elimination of Charter sections. Executive Administrator Narikiyo stated he understands what Chair Sullivan is saying and they could make that a bullet point. Chair Sullivan asked Commissioner Takaki if that would address his suggestion? Commissioner Takaki responded yes.

Commissioner Mikulina thanked the staff for doing the Draft Final Report and thinks it's far beyond previous Commissions' reports. He commented he has two suggestions also. First, if they could indicate for hearings the number of testifiers at the public meetings, if that information was available, they debated in the beginning to have 9 public hearings but after debating, they did 3 public hearings and at some of them there were large turnouts while some they had just a handful. He feels this might be useful. Executive Administrator Narikiyo asked for clarification if Commissioner Mikulina was asking for total number of testifiers at all meetings and not on any particular issues. Commissioner Mikulina responded yes, if it was readily available. Executive Administrator Narikiyo responded they could draft something for the full Commission's review. Chair Sullivan responded she would agree with the suggestion because when they first started in on this and going through the prior Commissions' final reports, some of them included number of people that testified at different hearings and part of it was what they looked at in trying to decide when they go out for public hearings. Executive Administrator Narikiyo stated there is a list of the meetings by dates and they can add a rough count of the testifiers into the report and present it at the next full Commission meeting. Commissioner Myers commented if they are going to do that shouldn't they also put in the number of pieces of testimony they received? Executive Administrator Narikiyo responded they could list the number of people that give written testimony and the number of people who orally testified. Executive Administrator Narikiyo added they would have a cover letter that will include all of their thank you's.

Commissioner Mikulina referred to the last bullet point on page 17 that says, "The Commission decided not to include an analysis of 'pros' and 'cons'." He commented he sensed they wanted to do that, but in essence they were kind of in a weird place where they couldn't switch gears when they eventually decided it might have been beneficial thing to do. He asked if they could indicate to future Charter Commissions that that might be a positive addition. He went on to say when he went out for public education he had the challenge as they weren't conceptualizing the amendments and people had some hard time understanding without the pros and cons. Chair Sullivan asked for clarification of Commissioner Mikulina's last comment. Commissioner Mikulina stated he wants to recommend having pros and cons. Commissioner Myers commented that he thinks when they tried to change the votes they didn't have enough votes to change it. Commissioner

Myers stated he would have voted to do the pros and cons but doesn't think they were able to get enough votes. Commissioner Takaki commented he wouldn't be opposed and thinks he voted also to not do pros and cons but after having to have gone through the experience, if it's another Commission he doesn't mind recommending to do so. He commented they would look at that issue, they don't have to do it. Commissioner Mikulina suggested they put it in and see if the full Commission votes to put in a recommendation. Executive Administrator Narikiyo clarified to add at the end of that bullet point, "and recommends this be done in the future." Commissioner Mikulina responded "or however it may be beneficial." Executive Administrator Narikiyo clarified, "however it may be beneficial"? Commissioner Mikulina responded maybe "highly beneficial." Executive Administrator Narikiyo clarified "highly beneficial."

Commissioner Mikulina's last comment was that Corporation Counsel brought up in the Executive Summary how they ought to mention they had "18 proposals." He commented he doesn't know if it belongs in the Final Report but as someone curious reading this, he would be somewhat interested on how the Commission came about the 18 or 12 proposals in the end after starting with 108 proposals. He went on to say he doesn't know if it would need a new section or something and assumes the final report will include all of the minutes. Executive Administrator Narikiyo responded the minutes would be included in the materials to archives; the minutes themselves are not going to be part of the Final Report. Commissioner Mikulina commented they would use the Final Report for guidance, and he thinks it might be useful for them to say, "based on public testimony, the Commission decided on these 12 questions and with what they decided the intent of those amendments are detailed within the minutes" or something along those lines. He stated they have pretty substantive minutes discussing the entire process of how they came about everything. But doesn't know if this report is suppose to be bare bones, here are the facts and here's what happened or more substantive on here's why they amended the charter.

Commissioner Myers commented if they are going to ask for them to look at the way the voting is done versus the State, he thinks it's an uphill battle to get things passed and thinks blank votes by people who don't care or don't understand gives it an uphill battle for the positive votes to go, and he would not like to see the City do it like the State. He went on to say those people clearly don't understand or don't care and feels why should they be counted as "no" votes? Chair Sullivan asked Commissioner Myers if his comment is he doesn't agree with that second paragraph in the section "Issues for Future Consideration – For City Council"? Commissioner Myers commented they could discuss it, but for the record he doesn't think they should adopt the State's version and thinks the State should adapt to doing it the way the City does. Executive Administrator Narikiyo responded the thinking on that is the future Charter Commission doesn't have much control over how the State does it but they do have some influence over how the City might do it. Commissioner Takaki commented on Election Day he and staff received calls from the voting precincts asking about how the votes are counted. They would explain the process to the callers that the City is different from the State and when the Office of Elections brief the volunteers they don't specifically say how the City and State Amendments are different.

Commissioner Takaki commented he also prefers the City's way as well but for simplicity for a voter, that's why he said maybe they should consider it; they don't have to do it but to consider it.

Chair Sullivan recapped there is a motion and a second to adopt the Draft Final Report with the comments from Corporation Counsel and asked if anyone wanted to further amend that motion. They have comments to Section IV. Issues for Future Consideration, to discuss and add more on how it would be beneficial to have pros and cons, making bullet points under “For the Next Charter Commission (2014)” first paragraph – “comprehensive revision or elimination of charter sections”, to include somewhere in the final report the number of testifiers both oral and written. Executive Administrator Narikiyo added Commissioner Mikulina also suggested adding how the Commission got from 108 proposals to 18 proposals.

Commissioner Takaki asked if the motion included those suggestions. Chair Sullivan responded it has not, they need an amendment to the motion.

Second Motion:

Commission moved to amend the motion with all the items that Chair Sullivan listed. Commissioner Mikulina seconded that motion. No discussion followed.

AYES: SULLIVAN, HIRANO, MIKULINA, MYERS, TAKAKI - 5
NOES: NONE
EXCUSED: GRAU, LENDIO – 2

Second Motion passed.

First Motion (as amended):

AYES: SULLIVAN, HIRANO, MIKULINA, MYERS, TAKAKI - 5
NOES: NONE
EXCUSED: GRAU, LENDIO – 2

First Motion (as amended) passed.

4. Announcements

Executive Administrator Narikiyo recapped the voter information efforts and results of the election. He stated generally he thinks it went well, they executed the plan that was approved by the Commission. Mass mailing of the brochure went as planned and most people received it, staff did receive some calls saying they didn't receive it and may have seen or heard the commercials on TV or on the radio. He went on to say they received a steady stream of calls and e-mails into the office leading up to the election. He noted brochures were distributed to State Libraries and Satellite City Halls; the full text of the proposals, digest and the ads were translated into the required languages and were distributed and made available at the City Clerk's office, and the full paper newspaper ads ran three times in total. Executive Administrator Narikiyo stated he thinks they got a good response to the radio and TV ads and think it got a pretty good coverage. He commented the website was continuously updated and they had a large number of hits, about 3,000. He stated 8 out of the 12 questions passed and was happy with seeing the voting results

because the results were all over the place and it seemed like people made an effort to study and make independent decisions on each question.

Chair Sullivan asked if there is just one more meeting and that's it? Executive Administrator Narikiyo responded yes, and the meeting is Monday, December 18, 2006. Chair Sullivan gave her thanks to both Corporation Counsel and staff who have done an outstanding job and the Commission couldn't have done it without all of them.

5. Adjournment

Commissioner Hirano moved to adjourn. Commissioner Takaki seconded that motion.

Meeting adjourned at 4:33p.m.